

**MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES**

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

<b>Plaintiffs' Executive Committee for Personal Injury and Death Claims</b>	<b>Plaintiffs' Executive Committee for Commercial Claims</b>
Ronald L. Motley, <i>Co-Chair</i> (1944-2013) MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Elliot R. Feldman, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
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**VIA ECF AND FEDERAL EXPRESS**

January 13, 2017

The Honorable Sarah Netburn  
Thurgood Marshall United States Courthouse  
40 Foley Square, Room 430  
New York, NY 10007

RE: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

The Plaintiffs' Executive Committees, on behalf of all plaintiffs, write in relation to the argument scheduled for January 18, 2017 on the motion to compel as to defendant Dallah Avco,<sup>1</sup> to provide the Court with a copy of a recently declassified 2012 Federal Bureau of Investigation Summary Report concerning investigations of individuals associated with the September 11<sup>th</sup> hijackers. The document contains relevant background information concerning Omar al Bayoumi, who features prominently in the claims against Dallah Avco and issues raised in the motion to compel.

The document was released a few weeks ago in response to a Freedom of Information Act lawsuit initiated by a Florida-based journalist, and was not publicly available at the time of briefing on the motion to compel. Plaintiffs may make reference to this newly released document during their presentation to the Court concerning the motion to compel.

Before writing to the Court to provide a copy of this report, plaintiffs' counsel wrote to Robert Kry, counsel for Dallah Avco, to provide him with a copy of the document and to advise him that plaintiffs might reference it during the argument on January 18, 2017.

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<sup>1</sup> See Plaintiffs' February 8, 2016 Motion to Compel and exhibits (ECF No. 3211); Plaintiffs' February 9, 2016 letter and exhibits (ECF No. 3212); Defendant's May 27, 2016 Opposition to Plaintiffs' Motion to Compel and exhibits (ECF Nos. 3284-3287); and Plaintiffs' July 15, 2016 Reply in Support of the Motion to Compel (ECF No. 3314).

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Respectfully submitted,

COZEN O'CONNOR



By: Sean P. Carter

SPC/:bdw

cc: All MDL Counsel of Record (via ECF)  
Robert Kry, Esquire (via ECF and email)  
Martin McMahon, Esquire (via ECF & email)

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b6 -1 DOJ  
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- (U//~~FOUO~~) [redacted] was arrested in Tampa, Florida on 15 May 2012 for Treasury Check Fraud by the U.S. Attorney's Office for the Eastern District of Virginia. [redacted]

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- (S) along with additional people of interest to [redacted] on 17 September 2012, [redacted] was proffered in Tampa, Florida. During the proffer, [redacted] echoed previous statement he had made, denying any knowledge of the hijackers' terrorist affiliation and providing no additional details of use to investigators. [redacted] seemed optimistic about the charges he was facing. [redacted] investigators anticipate future proffer sessions with [redacted] on the [redacted] national security issues. During the week of 28 September 2012, [redacted] proffered a second time. There was no National Security related information disclosed during the second proffer.

- (U) (S) In August 2012, [redacted] sent a lead to JTTF Los Angeles seeking confirmation of two possible current addresses for [redacted] individual who was known to have extremist views, and was identified as having met with Omar al Bayoumi in private on the same day as Bayoumi's alleged "chance" first meeting with 9/11 hijackers Nawaf al Hazmi and Khalid al Mihdhar. FBI Los Angeles confirmed [redacted] current residence. [redacted] planning to approach [redacted] for an interview of his role aiding Bayoumi in facilitating the hijacker's arrival and settlement in California, for which [redacted] has never provided adequate explanation. [redacted] will conduct the interview with a GJS, should it be necessary to serve on [redacted] to obtain a statement.

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- (U//~~FOUO~~) [redacted] an individual who, similarly to [redacted] facilitated the day-to-day life of 9/11 hijackers Hazmi and Mihdhar during their time in San Diego, has been identified by FBI San Diego as living in [redacted] is reported to be very concerned about his presence on U.S. no-fly lists. [redacted] in conjunction with the San Diego office, will address seeking an interview of [redacted]

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- (U) • (S//~~FOUO~~) In June, 2012, NYO investigators, along with AUSA [redacted] and HQ analysts, traveled to London, UK, to exploit evidence seized in 2001 in New Scotland Yard's searches of Omar al Bayoumi's residences and offices. [redacted]

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- (S) [redacted] is undertaking the translation of these documents, to determine relevancy. [redacted]

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- (S) [redacted]

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- (S) [redacted]

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- (S) Details on Mohdar Abdullah and his connection [redacted]

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(S)

[redacted] 9/11 hijackers Nawaf al-Hazmi and Khalid

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(S) al-Mihdhar, [REDACTED] and currently [REDACTED] The immediate goal of [REDACTED]

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(U) (S) Mohdar played a key role facilitating the daily lives and assisting future Flight 77 hijackers Nawaf al-Hazmi and Khalid al-Mihdhar. Shortly after February 4, 2000, al-Bayoumi tasked Mohdar to assist al-Hazmi and al-Mihdhar. [REDACTED] of Anwar Aulaqi and they may spent time together with the hijackers. After September 11, 2001 Mohdar was investigated by the FBI for assisting the hijackers. On September 19, 2001 he was arrested by FBI San Diego on charges of immigration fraud for his claim of being a Somali asylee (Mohdar is Yemeni). Mohdar pled guilty to the immigration charges and was deported to Yemen in 2004.

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(U) While Mohdar was detained in an immigration facility he bragged to two fellow inmates that he assisted the hijackers. The FBI and the SDNY have debriefed these individuals. Both are cooperative, but there is some prosecutorial concern about their value as witnesses.

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(U) (S) [REDACTED]

In a January, 2012 meeting with FBI NYO, [REDACTED]

[REDACTED] The FBI has also provided [REDACTED] with relevant derogatory information on Mohdar via a DIDO, including details of Mohdar's false U.S. asylum claim.

(U) Recent investigation revealed strong indications that prior to September 11, 2001 [REDACTED]

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(U) [REDACTED]

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# Synopsis of [REDACTED]

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(U) (S) [REDACTED] is an investigation into individuals known to have provided substantial assistance to 9/11 hijackers Nawaf al-Hazmi and Khalid al-Mihdhar during their time in California, prior to the attacks. [REDACTED] main subjects include Fahad al-Thumairy,

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- (S) Omar Ahmed al-Bayoumi, [REDACTED] These subjects provided (or directed others to provide) the hijackers with assistance in daily activities, including procuring living quarters, financial assistance, and assistance in obtaining flight lessons and driver's licenses. [REDACTED]
- (S) [REDACTED] seeks to prove these subjects provided such assistance with the knowledge that al-Hazmi and al-Mihdhar were here to commit an act of terrorism.

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- (U) ~~(S//NF)~~ Fahad al-Thumairy was the Imam at the King Fahad Mosque near Los Angeles, California when al-Hazmi and al-Mihdhar first arrived in the United States. Al-Thumairy immediately assigned an individual to take care of them during their time in the Los Angeles area.

- (U) ~~(S//NF)~~ Omar al-Bayoumi was living in San Diego on a student visa, despite not attending classes, and receiving a salary from the Kingdom of Saudi Arabia for job duties he never performed. Shortly after arriving in Los Angeles, the two hijackers had an allegedly accidental meeting with al-Bayoumi, who claims to have been in Los Angeles on personal business. At this meeting, al-Bayoumi advised the hijackers to relocate to San Diego, which they did. Once in San Diego, al-Bayoumi assisted the hijackers with a place to live, opening a bank account, and also assigned two individuals to care for them, one of whom was Mohdar Abdullah.

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- [REDACTED] contact with al-Thumairy and al-Bayoumi while the hijackers were in the Los Angeles and San Diego areas. There is evidence that [REDACTED]
- (S) [REDACTED] and tasked al-Thumairy and al-Bayoumi with assisting the hijackers.

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